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 Coast Hotels and Casinos, Inc. d/b/a
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANNA RAPOVY,)	Case No. 2:22-cv-01240-JAD-BNW
)	
Plaintiff,)	
)	
vs.)	<u>STIPULATION AND REQUEST TO</u>
)	<u>EXTEND DISCOVERY CUTOFF,</u>
)	<u>DISPOSITIVE MOTION, AND</u>
COAST HOTELS AND CASINOS, INC. d/b/a))	<u>PRETRIAL ORDER DEADLINES</u>
SUNCOAST HOTEL AND CASINO, a Nevada))	
corporation; AND DOES 1-50, inclusive.)	<u>(Second Request)</u>
)	
Defendants.)	

Pursuant to LR IA 6-1 and LR 26-3, Plaintiff Anna Rapovy (“Plaintiff”) and Defendant Coast Hotels and Casinos, Inc. d/b/a Suncoast Hotel and Casino (“Suncoast”), by and through their respective counsel of record, stipulate and request that the Court extend the discovery cutoff, dispositive motion, and joint pretrial order deadlines in the Discovery Plan and Scheduling Order [ECF Nos. 17 and 21] for a second time by an additional sixty (60) days, as outlined herein, for limited purposes. As this Stipulation and Request is being made within twenty-one (21) days of the discovery cutoff, the parties are able to demonstrate good cause for the extension. In support of this Stipulation and Request, the parties state as follows:

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1 **Discovery History**

2 1. Defendant Suncoast was served with the Summons and Complaint [ECF No. 1] in
3 this matter on August 3, 2022. Following amendments to the Complaint [ECF Nos. 6 and 13] and a
4 stipulated extension of time for Suncoast to respond [ECF No. 9], Suncoast timely filed its Answer
5 on September 22, 2022 [ECF No. 14].

6 2. The parties' Discovery Plan and Scheduling Order was approved by this Court on
7 October 21, 2022 [ECF No. 17]. The Discovery Plan and Scheduling Order provided for the standard
8 180 days for discovery and set a discovery cutoff of March 21, 2023.

9 3. The parties' first request for an extension was granted on February 27, 2023 [ECF No.
10 21], which set a new discovery cutoff of May 22, 2023. This extension was largely based on the internal
11 substitution of Plaintiff's counsel within the same firm and Suncoast's need for additional time to
12 subpoena employment records and request medical records.

13 4. The parties have completed the following discovery to date: The parties timely
14 exchanged Initial Rule 26(f) disclosures on October 12, 2022. Suncoast propounded its first sets of
15 interrogatories and requests for production of documents and admissions on Plaintiff on November
16 15, 2022. Plaintiff provided responses as well as supplemental disclosures on January 20, 2023. The
17 parties then met and conferred on some aspects of the responses on February 14, 2023. Suncoast
18 served a subpoena to Plaintiff's prior employer on March 30, 2023, but the prior employer is waiting
19 for a protective order before responding with documents, which it considers to be confidential.
20 Suncoast further requested records from Plaintiff's medical providers on March 30, 2023, with the last
21 of the records being provided on May 8, 2023. Plaintiff propounded her first sets of interrogatories
22 and requests for production of documents and admissions on Suncoast on April 18, 2023.

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1 **Planned Discovery**

2 5. While searching and accessing electronic documents for response to Plaintiff's
3 requests, Suncoast has encountered more potentially relevant emails in response to the requests for
4 production of documents than originally anticipated. Accordingly, it has requested a thirty-day
5 extension to respond in connection with this request for extension to the discovery cutoff. Both
6 parties have noticed depositions, but for reasons discussed below, they have needed to postpone them
7 to later dates.

8 6. The parties have agreed to extend the discovery window only for limited reasons, the
9 following discovery, unless otherwise agreed to by both parties: Suncoast plans to depose Plaintiff,
10 finish its responses to Plaintiff's interrogatories and requests for admissions and document, and
11 supplement its disclosures. Plaintiff will take FRCP 30(b)(6) depositions. In response to sixteen (16)
12 topics in Plaintiff's FRCP 30(b)(6) deposition notice, Suncoast anticipates needing three-to-four
13 individuals for those subjects. The Rule 30(b)(6) topics also are tied to the documents requested by
14 Plaintiff, so they will occur after Suncoast produces its responses. Plaintiff may also supplement her
15 prior disclosures.

16 **Reasons to Extend Discovery and to File This Request Within Fewer than 21 Days**

17 7. The parties have face numerous obstacles that resulted in necessary discovery being
18 delayed, with the most recent obstacles requiring an extension within twenty-one days of discovery
19 cut-off. Plaintiff's medical providers requested written authorization from Plaintiff, so the parties
20 needed to meet and confer on medical records request authorizations, which then took additional time
21 to revise before execution. The parties discussed waiting to schedule Plaintiff's deposition for after
22 those records were received. Following an extended window for the final practitioner to submit its
23 records, the parties agreed to hold Plaintiff's deposition on May 15, 2023. Unfortunately, just before
24 the deposition, Plaintiff suffered a death in her family, requiring her to be out of town on the scheduled

1 date of the deposition at the last minute, only able to provide notice on May 11, 2023. Such incident
 2 further renders Plaintiff unable to sit for the deposition during the remaining window before discovery
 3 cutoff.

4 8. In addition to Plaintiff's loss, Suncoast has encountered issues gathering emails
 5 potentially responsive to two of Plaintiff's requests for production of documents. The computerized
 6 files are extremely large and took a lengthy amount of time to transfer to Suncoast's counsel and
 7 review is anticipated to be lengthy. In addition, many documents will depend on the entering of the
 8 parties' protective order, which was only agreed to and filed on May 12, 2023, and will need to be
 9 marked confidential due to the sensitive nature of casino surveillance.

10 9. Further, Suncoast has also needed an internal substitution of counsel within the same
 11 firm as of May 12, 2023. Carol Davis Zucker is replacing Jen J. Sarafina as Ms. Sarafina has left Kamer
 12 Zucker Abbott to work in the public sector.

13 10. Finally, on May 8, 2023, Plaintiff noticed its FRCP 30(b)(6) deposition for May 18,
 14 2023, to be conducted before the discovery cutoff. However, Suncoast requested a meet and confer
 15 to better assess which representatives to designate and anticipated needing three-to-four individuals,
 16 which will necessarily push the depositions beyond the cutoff. Further, with the extension for
 17 Suncoast to produce its responses, the FRCP 30(b)(6) depositions would be better conducted after
 18 those responses are produced.

19 **Proposed New Discovery Schedule**

20 11. The parties proposed the following extended deadlines:¹

Scheduled Event	Current Deadline	New Proposed Deadline
Discovery Cutoff	May 22, 2023	July 21, 2023

24 ¹ As the deadlines have passed, the parties are not seeking extensions of time for amendment of pleadings, adding of parties, expert disclosures, and rebuttal expert disclosures.

Dispositive Motions	June 21, 2023	August 21, 2023
Joint Pretrial Order	July 21, 2023	September 20, 2023

12. This request is being brought in good faith, jointly by the parties, and is not sought for any improper purpose or other purpose of delay. This request is brought only to provide the parties sufficient time to complete limited, necessary discovery in this case. Neither party will be prejudiced.

13. This is the second request for an extension of time in this matter with respect to discovery deadlines. This request is less than 21 days for the current discovery cutoff deadline of May 22, 2023, but the parties have offered good cause to support the request.

14. This Stipulation shall only extend the specific discovery and related deadlines as noted above. No other deadlines shall be extended as a result of this Stipulation.

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WHEREFORE the parties respectfully request that this Court extend the discovery cutoff by sixty (60) days from the current deadlines of May 22, 2023 to July 21, 2023, as well as the dispositive motion and joint pretrial order deadlines by sixty (60) days, according to the above-referenced schedule.

DATED this 18th day of May, 2023.

Respectfully submitted,

/s/ Melinda M. Weaver

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Respectfully submitted,

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Suncoast Hotel and Casino

IT IS SO ORDERED.

May 19, 2023

DATE



UNITED STATES MAGISTRATE JUDGE